

REMARKS

Claims 1-6 and 12-15 are currently pending in the application. Claim 7 has been canceled without prejudice or disclaimer. New Claim 15 has been added to the application and is intended to replace, now canceled, claim 7. Claim 1 has been amended to clarify that the coffee plant cells are modified to reduce endogenous levels of α -D-galactosidase mRNA. Claims 1, 12 and 14 have been amended to delete the phrase found objectionable in the Office action. Applicants do not intend to disclose any subject matter by way of the amendment and it is believed that no new matter has been added thereby. Applicants respectfully request an early and favorable examination of the present claims.

Claims 1-6 and 12-15 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The claims have been amended to overcome the rejection. As amended, the claims are now fully supported by the affidavit which, as pointed out in the Office action, demonstrates reduction of gene expression following transformation with an antisense construct. Applicants submit that based on the teaching in this specification that the α -D-galactosidase gene is amenable to the use of antisense technology for a reduction in gene expression, one of skill in the art would certainly be able to construct any number of other antisense sequences to obtain a similar result. The fact that any one particular construct might not give the desired result is not evidence that the technique, as it would be carried out by one of skill in the art, would fail or would lead to unpredictable results. As demonstrated in the declaration one of skill could easily make a small number of antisense constructs and would be extremely likely to succeed with this technique. Thus, Applicant respectfully requests that the basis for the written description and enablement rejections be reconsidered and the rejections be withdrawn.

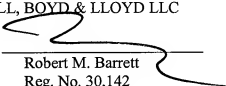
Claim 7 has been canceled and new Claim 15 submitted. It is submitted that new claim 15 clearly demonstrates a man made invention. Applicant respectfully submits that claim 15 meets the utility requirement.

If there are any additional fees that are due in connection with this application as a whole, the Commissioner is authorized to deduct those fees from Deposit Account No. 02-1818. If such a deduction is made, please indicate Attorney Docket No. 112701-535 on the account statement.

Respectfully submitted,

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BY



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